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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,503	10/22/2001	Eric Terranova	05725.0944	4279

7590

07/02/2002

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EXAMINER

KOSS, ANN MARIE

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

Office Action Summary

Application No.

09/889,503

Applicant(s)

TERRANOVA ET AL.

Examiner

Ann-Marie Koss

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 23-55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 6) ☐ Other:

DETAILED ACTION

1. Applicant's Amendments filed 12/20/01 have been entered. Claims 1-22 have been cancelled. New claims 23-55 have been added accordingly. Applicant's Remarks filed 12/20/01 have been fully considered. Claims 23-55 are pending in this application.

Claim Objections

2. Claims 23, 35, 52, and 55 are objected to because of the following informalities: The phrase "a C₁-C₆ aminoalkyl radical" appears in duplicate in line 13 of page 4, line 22 of page 14, line 15 of page 24, and line 3 of page 32. Also, in the phrase, "when at least one of the ring members E, G, J and L is C chosen from a nitrogen atom to which the radical R₇ is attached," the metes and bounds of the phrase cannot be determined, (see in the Preliminary Amendment page 8 item #2 line 1-2, page 18 item #2 line 10-11, page 28 item #2 line 4-5, and page 35 item #2 line 14-15). Is C intended to represent a carbon atom, or is it a typographical error? Furthermore, claims 23, 35, 52 and 55 are also unclear in the phrase, "with the proviso that the number of cationic groups Z in said compound of formula (I) is at least one," because the metes and bounds of the phrase cannot be determined. The Examiner suggests rephrasing the proviso as "with the proviso that at least one of R₁, R₂, and R₃ is a group Z." Appropriate correction is required.

3. Claim 31 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 31 recites the limitation "3-(3-amino-7-hydroxy-5-methylpyrazolo[1,5-a] pyrimidin-6-ylmethyl)-1-methylpyridinium chloride" in line 13-14, which does not appear in the species claim 30 from which claim 31 is dependent.
4. Claim 55 is objected to because of the following informality: The semicolon after the term radical in line 2 of page 31 should be a comma. Appropriate correction is required.

Allowable Subject Matter

5. Claims 24-30, 32-34, 36-51, 53 and 54 are objected to but would be allowable if rewritten to overcome the objections set forth in this Office action.

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The most pertinent prior art known to the Examiner are listed on Forms PTO-892 and PTO-1449. None of these references teach, disclose or suggest a packaged hair coloring composition, and a method of using, comprising a reactive dye pyrazolo[1,5-a]pyrimidine derivative compound containing a cationic group Z, wherein Z is a heterocyclic group or a quaternary ammonium substituent as claimed. Terranova et al. (U.S. Patent No. 6,099,593), the closest prior art, teaches reactive dye compositions containing pyrazolo[1,5-a]pyrimidine derivative compounds and a method of dyeing employing the compositions (see abstract). Terranova, however, fails to teach at least one substituent bonded to the pyrazolo[1,5-a]pyrimidine derivative compound, which is a cationic group Z that is required to represent compound of formula (I). Accordingly, these claims would be allowable because the subject matter, as a whole, would not have been obvious to one of ordinary skill in the art.

Conclusion

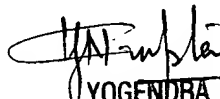
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann-Marie Koss whose telephone number is (703) 305-3176. The examiner can normally be reached on Mondays-Fridays 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-6078 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0661.

amk

July 1, 2002


YOGENDRA N. GUPTA
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